

REMARKS

The Office Action dated August 25, 2004, has been reviewed and carefully noted. The preceding amendments and the following remarks are submitted as a full and complete response thereto. Claim 27 is amended herein. Support for the amended and new claims can be found at, inter alia, paragraphs 0017 through 0023 of the present specification. No new matter has been added. Accordingly, claims 1-20 and 22-27 are pending in this application and are submitted for consideration.

Claims 1-20 and 22-26 are allowed.

Claim 27 was rejected under 35 U.S.C 102(b) as being anticipated by U.S. Patent No. 5,798,283 to Montague et al. ("Montague"). Applicant respectfully traverses the rejection and submits that claim 27 recites subject matter not disclosed by Montague.

Montague describes a MEMS device formed in a cavity or well in a substrate. See, e.g., Fig. 4 of Montague. The configuration shown in Montague is quite different from the configuration of the invention as defined by claim 27, which is limited to forming a MEMS device on a top surface of a substrate. In contrast, Montague is directed to MEMS devices formed in a cavity in the substrate. The MEMS device of Montague is formed before the circuitry is formed on the substrate and is formed quite differently from the MEMS device of present invention, which is formed on top of the substrate. Thus, for at least this reason, Applicant submits that Montague fails to disclose all the limitations of claim 27. Accordingly, Applicant requests that the rejection

be withdrawn and claim 27 be allowed.

Claims 1-20 and 22-26 are already allowed. Therefore, Applicant requests that claim 27 be reconsidered in view of the above discussion, and that this application be allowed.

If for any reason the Examiner feels that the application still is not in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event that this paper is not timely filled, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

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